REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-14. Claims 1-4 and 9-14 are amended herein. No new matter is presented. Thus, claims 1-14 are pending and under consideration. The rejections are traversed below.

COMMUNICATION WITH EXAMINER:

Applicants would like to thank the Examiner for taking the time to contact the undersigned to discuss features of the claimed invention. Applicants respectfully request that the Examiner contact the undersigned if further discussion is necessary.

REJECTION UNDER 35 U.S.C. § 101:

Claims 1-3, 4, 13 and 14 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Independent claims 1, 4, 13 and 14 are amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112¶1 AND § 112¶2:

Claims 1-3 and 14 were rejected under 35 U.S.C. § 112. Claims 1-3 and 14 are amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-3, 8 and 11-14 were being rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,199,204 (Donohue).

The Examiner maintains the comparison of Donohue that distributes software updates based on a comparison between software update resources and computer programs in accordance with predefined update criteria of applicable software license terms and conditions with the claim invention. According to Donohue, updater components including data fields for an identifier and version number for associated software products are installed as part of the installation procedure of its associated program (see, col. 7, lines45-55). Then, when updates are distributed, a list indicating release numbers identifying a product update is determined based on access to a list of updates by the updater components (see, col. 8, lines 26-36 and col. 11, lines 26-67).

The Examiner indicates that a feature point may be fonts or a thesaurus that was not included in a word processor application program. However, Donohue is limited to supplemental

software codes that are comprehensively distributed to fix problems in the original word processor application program (see, col. 10, lines 16-20). For example, Donohue does not teach or suggest determining a version of the word processor used to create a document with a particular font of text in the document.

The claimed system and method eliminates the need for a user to determine an application program used to create a file by automatically determining a version of the application program (and installing, if needed) based on a feature point that identifies the program. Using the same example above, a version of an application program may be determined using the font of text in a document file.

Independent claim 1 recites, "extracting a feature point in a data file... the feature point being a content within the data file and set by an application program used to create the data file." Claim 1 further recites, "selecting a version of the application program useable to access the data file based on a comparison of the extracted feature point with stored feature points of application programs", "determining whether the selected version of the application program is already installed" and "installing the selected version of the application program upon determining that the version of the application program is not installed." Independent claims 11 and 12 recites similar features.

Similarly, independent claim 13 recites, "analyzing content within a data file to determine a format thereof" and "determining a version of an application program used to create the data file based on a comparison of the content of the data file set by said application program with stored contents of data files of application programs." Accordingly, the version of the application program useable to access the data file is "automatically" installed "upon determining that an application program useable to access the data file is not installed."

Independent claim 14 recites, "determining a version of a first application program used to create a document file a user is requesting to access from a content within the document file that is set by said first application program, said determining being based on comparison of the document file with stored document files of application programs." The claimed method of claim 14 recites, "installing the version of the first application program or a second application program able to read the document file in accordance with said determining of the version of the first application program from the content within the document file."

Donohue does not teach or suggest use of "a feature point of a file [that is] set by an application program" to determine if the program is already installed and installing the program if

it is not, as recited in claims 1 and 11-14.

It is submitted that the independent claims are patentable over <u>Donohue</u>.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over <u>Donohue</u>. The dependent claims are also independently patentable. For example, as recited in claim 8, "eliminating an existing file if insufficient space exists when the application program is executed." <u>Donohue</u> does not teach or suggest these features of claim 8.

The Examiner states that it is well known for people in the art that when installing a new computer file into a computer, if insufficient space, the computer will put out a warning for the user and the user will have to eliminate the existing file in order to resource more space. However, claim 8 is directed to determination of whether a version of a program is installed to access a file and automatically "eliminating an existing file if insufficient space exists." Applicants thus respectfully submit that the recitation in claim 8 is not well known and is distinct from what the Examiner indicates as being well known. Thus, the Applicants respectfully traverse the Examiner's statement and request the Examiner to produce authority for the statement.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 4, 5-7, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of <u>Donohue</u> and U.S. Patent No. 6,282,712 (<u>Davis</u>).

The Examiner acknowledges that <u>Donohue</u> does not specifically allow the user to select a certain application program, but relies on <u>Davis</u> as teaching the same. Specifically, the Examiner refers to the Background of the invention and items 4 and 5 of claim 1 in <u>Davis</u> as teaching selection of an application program by a user. However, these portions of <u>Davis</u> are limited to determining what software is to be automatically installed on a new computer based on preferences of an administrator determined from selection of an edition of the software. <u>Davis</u> does not enable selection from application programs provided based on feature points of an application in data files, instead, the software in <u>Davis</u> is selected based on the type of the operating system and processor of the new computer.

Independent claims 4 and 9 recite, "extracting feature points in at least two data files created by a user, the feature points being contents within the data files and set by an

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application program used to create the data files" and "selecting a version of the application program useable to access a data file based on a comparison of at least one of the feature points with stored feature points of application programs." Independent claim 10 recites similar features.

Donohue and Davis, alone or in combination, do not teach or suggest installation of necessary program application(s) based on a determination of need using "feature points set by an application program" based on "a comparison of at least one of the feature points with stored feature points of application programs", as recited in claims 4, 9 and 10.

In light of the above, claims depending from the independent claims are also patentably distinguishable.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 15 is added to recite, "storing feature points that are components of application programs in association with corresponding application programs" and "determining whether a feature point corresponding to an application program is indicated in a data file by determining whether one or more of the stored feature points corresponds to the feature point indicated." As such, the claimed method installs "an application program having the feature point indicated upon determining the application program is not installed" and activates "the application program with the feature point indicated upon determining the application program is installed."

The cited references, alone or in combination, do not teach or suggest the above-identified features of claim 15 including "storing feature points that are components of application programs" and "installing an application program having the feature point indicated upon determining the application program is not installed", as recited in claim 15.

Therefore, it is respectfully submitted that claim 15 is patentably distinguishable over the cited references.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 08/28/2006

By: _____
Temnit Afework
Registration No. 58,202

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501